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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,533	09/28/2001	Russell F. McKnight	P1733US00	4798
24333	7590	10/19/2005	EXAMINER	
GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DRIVE MAIL DROP Y-04 N. SIOUX CITY, SD 57049			DEANE JR, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,533

Applicant(s)

MCKNIGHT, RUSSELL F.

Examiner

William J. Deane

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3, 5 – 13, 15 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,631,188 (Sands).

With respect to claims 1 - 2, 10 - 12, 15, note that Sands teaches a caller ID unit for identifying caller information associated with an incoming call (see Fig. 5), and scheduling means for a call-back (Abstract).

It is unclear as to whether the caller ID unit is incorporated into the telephone 12. However, it would have been obvious to one of ordinary skill in the art to have incorporated the caller ID device into the phone 12 as such only entail putting two separate devices used together and incorporating them into one device.

With respect to claim 3, note Fig. 1.

With respect to claim 5, note Abstract.

With respect to claim 6, note Abstract and controls (40).

With respect to claim 7, note telephone 12.

With respect to claim 8, note storage device 26.

With respect to claim 9, note storage device 28.

With respect to claim 13, note elements 42 and 44.

With respect to claims 16 - 18, note telephone 12 and caller ID unit 22. The other means cited would be obvious in view of Sands and the other art cited prior art cited throughout the prosecution of the case.

With respect to claim 21, note that, as broadly claimed, telephone 12 is a portable handheld device.

Claims 4, 14, 19 and 22 - 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Sands and U.S. Patent No. 6,760,423 (Todd).

Sands teaches the claimed device except for the calendar aspects of the invention. However, note that Todd teaches a calendar situated in a phone (Fig. 4A) and that the calendar initiates the calls.

Response to Arguments

Applicant's arguments with respect to claims 1 - 23 have been considered but are not deemed persuasive to any error in the rejections above.

The combination of a caller ID unit and a telephone are well known in the art and as stated to combine such would have been obvious to one of ordinary skill.

With respect to the combination of Sands and Todd, applicant's arguments are not understood. Todd was presented to show that calendars are known to be contained in phones and that one can schedule phone calls have them automatically dialed at the date and time selected by a user. This of course could be done after a call is completed.


Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 273-8300.

16Oct2005


**WILLIAM J. DEANE, JR.
PRIMARY EXAMINER**